

# HOUSE BILL 1135

C2

11r1886  
CF SB 728

---

By: **Delegates Love, Beidle, Burns, Costa, Feldman, Impallaria, Kipke,  
Pena-Melnyk, and Ross**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2011

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board for Professional Engineers – Increase in Membership and**  
3 **Practice Specialties**

4 FOR the purpose of increasing the number of members of the State Board for  
5 Professional Engineers; requiring ~~a certain number of~~ one of the engineer  
6 members of the Board to be ~~en~~ appointed, without regard to specific professional  
7 practice, from a certain list submitted by the Maryland Society of Professional  
8 Engineers; ~~requiring a certain list to include only individuals who practice~~  
9 ~~certain engineering specialties~~; making certain conforming changes; specifying  
10 the terms of the new members of the Board; and generally relating to the State  
11 Board for Professional Engineers.

12 BY repealing and reenacting, with amendments,  
13 Article – Business Occupations and Professions  
14 Section 14–202  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Business Occupations and Professions**

20 14–202.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1           (a)   (1)   The Board consists of [seven] ~~NINE~~ EIGHT members.
- 2                   (2)   Of the [seven] ~~NINE~~ EIGHT members of the Board:
- 3                           (i)   [five] ~~SEVEN~~ SIX shall be engineers; and
- 4                           (ii)   two shall be consumer members.
- 5           (3)   Of the [five] ~~SEVEN~~ SIX engineer members of the Board:
- 6                   (i)   one shall be a chemical engineer;
- 7                   (ii)   two shall be civil engineers;
- 8                   (iii)   one shall be an electrical engineer; [and]
- 9                   (iv)   one shall be a mechanical engineer; AND
- 10                           (V)   ~~TWO ONE SHALL BE ENGINEERS WHO PRACTICE AN~~  
11 ~~ENGINEERING SPECIALTY NOT LISTED IN ITEMS (I) THROUGH (IV) OF THIS~~  
12 ~~PARAGRAPH A PROFESSIONAL ENGINEER APPOINTED WITHOUT REGARD TO~~  
13 ~~SPECIFIC PROFESSIONAL PRACTICE WHO SHALL REPRESENT OTHER~~  
14 ~~DESIGNATIONS OF PROFESSIONAL ENGINEERING.~~
- 15           (4)   The Governor shall appoint the members with the advice of the  
16 Secretary and with the advice and consent of the Senate.
- 17           (5)   (i)   The Governor shall appoint each of the engineer members  
18 from a single list of at least 3 names of engineers submitted by the local chapters of  
19 the applicable professional organization, as set forth in this paragraph and any list of  
20 qualified individuals that may have been submitted to the Governor by any person  
21 who is a resident of the State.
- 22                   (ii)   For the chemical engineer member, the list shall be  
23 submitted by the American Institute of Chemical Engineers.
- 24                   (iii)   For the civil engineer members, the list shall be submitted  
25 by the American Society of Civil Engineers.
- 26                   (iv)   For the electrical engineer member, the list shall be  
27 submitted by the Institute of Electrical and Electronics Engineers.
- 28                   (v)   For the mechanical engineer member, the list shall be  
29 submitted by the American Society of Mechanical Engineers.

1                   (VI) ~~FOR THE TWO ONE ENGINEER MEMBERS WITHOUT A~~  
2 ~~REQUIRED SPECIALTY, THE LIST SHALL BE SUBMITTED BY THE MARYLAND~~  
3 ~~SOCIETY OF PROFESSIONAL ENGINEERS AND SHALL INCLUDE ONLY QUALIFIED~~  
4 ~~INDIVIDUALS WHO PRACTICE AN ENGINEERING SPECIALTY NOT LISTED IN~~  
5 ~~PARAGRAPH (3)(I) THROUGH (IV) OF THIS SUBSECTION~~ MEMBER IDENTIFIED IN  
6 PARAGRAPH (3)(V) OF THIS SUBSECTION, THE LIST SHALL BE SUBMITTED BY  
7 THE MARYLAND SOCIETY OF PROFESSIONAL ENGINEERS.

8           (b) Each member of the Board shall be:

9                   (1) a citizen of the United States; and

10                  (2) a resident of the State.

11           (c) (1) Each engineer member of the Board shall have:

12                   (i) practiced engineering for at least 12 years; and

13                   (ii) been in responsible charge of important engineering work  
14 for at least 5 years.

15                   (2) Each engineer member of the Board shall be licensed as a  
16 professional engineer in this State at all times during the member's term on the  
17 Board.

18           (d) Each consumer member of the Board:

19                   (1) shall be a member of the general public;

20                   (2) may not be a licensee or otherwise be subject to regulation by the  
21 Board;

22                   (3) may not be required to meet the qualifications for the professional  
23 members of the Board; and

24                   (4) may not, within 1 year before appointment, have had a financial  
25 interest in or have received compensation from a person regulated by the Board.

26           (e) While a member of the Board, a consumer member may not:

27                   (1) have a financial interest in or receive compensation from a person  
28 regulated by the Board; or

29                   (2) grade any examination given by or for the Board.

1 (f) Before taking office, each appointee to the Board shall take the oath  
2 required by Article I, § 9 of the Maryland Constitution.

3 (g) (1) The term of a member is 5 years and begins on July 1.

4 (2) The terms of members are staggered as required by the terms  
5 provided for members of the Board on October 1, [1989] **2011**.

6 (3) At the end of a term, a member continues to serve until a successor  
7 is appointed and qualifies.

8 (4) A member who is appointed after a term has begun serves only for  
9 the rest of the term and until a successor is appointed and qualifies.

10 (h) The Governor may remove a member for incompetence, misconduct,  
11 neglect of duties, or other sufficient cause.

12 SECTION 2. AND BE IT FURTHER ENACTED, That:

13 (1) ~~the terms of the two new members~~ term of the new member of the  
14 State Board for Professional Engineers established by this Act shall expire 5 years  
15 after ~~they are~~ the member is appointed; and

16 (2) the terms of the other members of the State Board for Professional  
17 Engineers on October 1, 2011, shall expire in accordance with the staggering of terms  
18 in effect on October 1, 2011.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2011.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.